

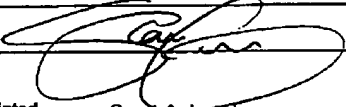
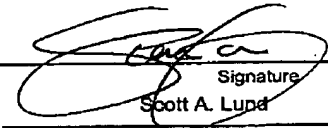
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 10003975-1	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. (571) 273-8300 on <u>February 28, 2006</u> Signature  Typed or printed name <u>Scott A. Lund</u>		Application Number 09/710,368	Filed November 10, 2000
		First Named Inventor Michael Whitmarsh et al.	
		Art Unit 2624	Examiner Thierry L. Pham
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. 41,166 Registration number <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34		 Signature <u>Scott A. Lund</u> Typed or printed name 612-573-2006 Telephone number February 28, 2006 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Whitmarsh et al.	Examiner:	Thierry L. Pham
Serial No.:	09/710,368	Group Art Unit:	2624
Filed:	November 10, 2000	Docket No.:	10003975-1
Title:	PRINT PROCESSING SYSTEM AND METHOD WITH IMAGE ADVISOR SERVICE		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Please consider the following remarks during the Pre-Appeal Brief Conference. As these remarks outline a clear legal or factual deficiency in the rejections, Applicant submits that the Pre-Appeal Brief Request for Review is appropriate.

Pre-Appeal Brief Request for Review

Applicant: Michael Whitmarsh et al.

Serial No.: 09/710,368

Filed: November 10, 2000

Docket No.: 10003975-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH IMAGE ADVISOR SERVICE**REMARKS****Claim Rejections under 35 U.S.C. § 102**

Claims 1-6, 9-11, 13-20, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg et al. U.S. Publication No. 2003/0140315.

Independent claim 1 is directed to a method of processing an image and includes "determining an appropriate application for the image with the print processing system controller based, in part, on the image," with determining the appropriate application for the image including "processing the print request and the data file for the image by the print processing system controller to detect an image characteristic including at least one of a print resolution, a bit depth, a size, a file size, and a quality of the image and detect the one of the specified application and the specified printing option for the image," and "comparing the image characteristic and the one of the specified application and the specified printing option to determine the appropriate application for the image."

Independent claim 14 is directed to a system for processing an image and includes a print processing system controller adapted to "receive a print request and a data file for the image, and process the print request and the data file to determine an appropriate application for the image based, in part, on the image," wherein the print processing system controller is adapted to "detect an image characteristic including at least one of a print resolution, a bit depth, a size, a file size, and a quality of the image," and wherein the print processing system controller is adapted to "compare the image characteristic and the one of the specified application and the specified printing option to determine the appropriate application for the image."

With respect to the Blumberg et al. publication, Applicant submits that this publication does not teach or suggest a method of processing an image as claimed in independent claim 1 nor a system for processing an image as claimed in independent claim 14 including determining an appropriate application for the image based, in part, on the image, and detecting an image characteristic including at least one of a print resolution, a bit depth, a size, a file size, and a quality of the image.

Pre-Appeal Brief Request for Review

Applicant: Michael Whitmarsh et al.

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Title: PRINT PROCESSING SYSTEM AND METHOD WITH IMAGE ADVISOR SERVICE

The service of the Blumberg et al. publication includes a user interface that enables a user to select finishing options for a document and interactively displays a proof of how the finished document will look when the user's selected finishing options are applied (para. [0030]). In the Blumberg et al. publication, 'finishing options' refer to physical attributes of a printed document that are not related to the content of the document, with examples of finishing options including type of paper (grain, weight, size and color), type of binding, types of front and back covers, type of tab inserts, type of lamination, type of folding and type of hole punching (para. [0028]).

The service of the Blumberg et al. publication, however, does not detect an image characteristic including at least one of a print resolution, a bit depth, a size, a file size, and a quality of an image, and does not compare the image characteristic and one of a specified application and a specified printing option for the image to determine an appropriate application for the image based, in part, on the image itself. Rather, the service of the Blumberg et al. publication simply displays how an electronic document would appear as a finished document, if printed in accordance with the finishing options as selected by the user (see Abstract). Although the Blumberg et al. publication does disclose "rules" and "tips," these rules and tips are in regard to finishing options and price (para. [0223]-[0226]). The "rules" and "tips" of the Blumberg et al. publication, however, do not determine an appropriate application for an image based, in part, on the image itself.

In view of the above, Applicant submits that independent claims 1 and 14 are each patentably distinct from the Blumberg et al. publication and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 2-6, 9-11, and 13 further define patentably distinct claim 1 and dependent claims 15-20 and 23-25 further define patentably distinct claim 14, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-6, 9-11, 13-20, and 23-25 under 35 U.S.C. 102(e) be reconsidered and withdrawn and that claims 1-6, 9-11, 13-20, and 23-25 be allowed.

Pre-Appeal Brief Request for Review

Applicant: Michael Whitmarsh et al.

Serial No.: 09/710,368

Filed: November 10, 2000

Docket No.: 10003975-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH IMAGE ADVISOR SERVICE**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-6, 9-11, 13-20, and 23-25 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Request should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

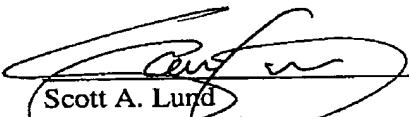
Respectfully submitted,

Michael Whitmarsh et al.,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 28th day of February, 2006.

By 

Name: Scott A. Lund